

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MICHAEL C. JAMERSON,

Plaintiff,

v.

JOHN WILLIAMS, et al.,

Defendant.

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No. 4:16-CV-760 JAR

MEMORANDUM AND ORDER

This matter is before the Court on review of plaintiff's amended complaint under 28 U.S.C. § 1915(e). After reviewing the complaint, the Court finds that defendant John Williams should be served with process.

Standard of Review

Under 28 U.S.C. § 1915(e), the Court is required to dismiss a complaint filed in forma pauperis if it is frivolous, malicious, or fails to state a claim upon which relief can be granted. To state a claim for relief under § 1983, a complaint must plead more than "legal conclusions" and "[t]hreadbare recitals of the elements of a cause of action [that are] supported by mere conclusory statements." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). A plaintiff must demonstrate a plausible claim for relief, which is more than a "mere possibility of misconduct." *Id.* at 679. "A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Id.* at 678. Determining whether a complaint states a plausible claim for relief [is] a context-specific task that requires the reviewing court to draw on its judicial experience and common sense. *Id.* at 679.

The Complaint

Plaintiff brings this action against Dr. John Williams, Corizon, Inc., and the Missouri Department of Corrections (MoDOC). He alleges that he has Hepatitis C and that Williams refuses to provide him with treatment.

Discussion

The Court finds that the complaint states a plausible claim against defendant Williams, and the Court will order the Clerk to serve him with process.

In order to state a claim against Corizon, plaintiff must allege that there was a policy, custom or official action that caused an actionable injury. *Sanders v. Sears Roebuck & Co.*, 984 F.2d 972, 95-76 (8th Cir. 1993). There are no such allegations in the complaint. Therefore, his claims against Corizon fail to state a claim upon which relief can be granted.

The complaint also fails to state a claim against MoDOC. *E.g., Barket, Levy & Fine, Inc. v. St. Louis Thermal Energy Corp.*, 948 F.2d 1084, 1086 (8th Cir. 1991) (agency exercising state power is not “person” subject to § 1983 suit).

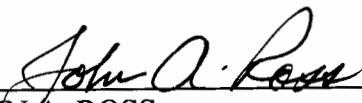
Accordingly,

IT IS HEREBY ORDERED that the Clerk is directed to serve process on defendant John Williams.

IT IS FURTHER ORDERED that defendants Corizon, Inc., and the Missouri Department of Corrections are **DISMISSED** without prejudice.

An Order of Partial Dismissal will be filed separately.

Dated this 22nd day of July, 2016.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE